

AMENDED IN SENATE JANUARY 31, 2012

AMENDED IN SENATE JULY 13, 2011

AMENDED IN SENATE JUNE 22, 2011

AMENDED IN ASSEMBLY MARCH 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 324

Introduced by Assembly Member Buchanan
(Coauthors: Assembly Members Blumenfield, Dickinson, and
Huber)
(Coauthor: Senator Wolk)

February 10, 2011

~~An act to add Section 15817.5 to the Government Code, relating to state buildings. An act to amend Sections 731 and 733 of, and to add Section 1752.16 to, the Welfare and Institutions Code, relating to juveniles, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 324, as amended, Buchanan. ~~State buildings: building locations: considerations. Juvenile offenders: recall of commitment.~~

Existing law provides that a person who is under 18 years of age and who commits a crime is within the jurisdiction of the juvenile court, as specified. If the juvenile court declares a person to be a ward of the court, the court issues an order with the disposition of the case. Under existing law, the court may, in some cases, commit the ward to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities. Existing law prohibits a court from committing a ward to Division of Juvenile Facilities under certain conditions unless the ward's

most recent admitted or adjudicated offense is a specified serious or violent offense or a sex offense.

This bill would expand the class of persons who may be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities to include a ward who has committed a specified sex offense, or who was previously found to have committed a specified serious or violent offense or a specified sex offense. Additionally, this bill would authorize the chief of the Division of Juvenile Facilities to enter into contracts with counties for the Division of Juvenile Facilities to provide housing to a ward who was in the custody of the Division of Juvenile Facilities on December 12, 2011, and whose commitment was recalled under specific circumstances.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The State Building Construction Act of 1955 generally sets forth procedures for the acquisition and construction of state buildings and specifies the powers and duties of the Department of General Services in this regard.~~

~~This bill would, notwithstanding any other provision of law, require the department to consider specified factors in selecting a location for the lease, lease with the option to purchase, construction, or purchase of a state building in excess of 10,000 square feet.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 731 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 731. (a) If a minor is adjudged a ward of the court on the
- 4 ground that he or she is a person described by Section 602, the
- 5 court may order any of the types of treatment referred to in Sections
- 6 727 and 730 and, in addition, may do any of the following:
- 7 (1) Order the ward to make restitution, to pay a fine up to two
- 8 hundred fifty dollars (\$250) for deposit in the county treasury if
- 9 the court finds that the minor has the financial ability to pay the
- 10 fine, or to participate in uncompensated work programs.
- 11 (2) Commit the ward to a sheltered-care facility.
- 12 (3) Order that the ward and his or her family or guardian
- 13 participate in a program of professional counseling as arranged

1 and directed by the probation officer as a condition of continued
2 custody of the ward.

3 (4) Commit the ward to the Department of Corrections and
4 Rehabilitation, Division of Juvenile Facilities, if the ward has
5 committed an offense described in subdivision (b) of Section 707
6 *or subdivision (c) of Section 290.008 of the Penal Code* and is not
7 otherwise ineligible for commitment to the division under Section
8 733.

9 (b) The Division of Juvenile Facilities shall notify the
10 Department of Finance when a county recalls a ward pursuant to
11 Section 731.1. The division shall provide the department with the
12 date the ward was recalled and the number of months the ward has
13 served in a state facility. The division shall provide this information
14 in the format prescribed by the department and within the
15 timeframes established by the department.

16 (c) A ward committed to the Division of Juvenile Facilities may
17 not be held in physical confinement for a period of time in excess
18 of the maximum period of imprisonment that could be imposed
19 upon an adult convicted of the offense or offenses that brought or
20 continued the minor under the jurisdiction of the juvenile court.
21 A ward committed to the Division of Juvenile Facilities also may
22 not be held in physical confinement for a period of time in excess
23 of the maximum term of physical confinement set by the court
24 based upon the facts and circumstances of the matter or matters
25 that brought or continued the ward under the jurisdiction of the
26 juvenile court, which may not exceed the maximum period of adult
27 confinement as determined pursuant to this section. This section
28 does not limit the power of the Board of Parole Hearings to retain
29 the ward on parole status for the period permitted by Section 1769.

30 *SEC. 2. Section 733 of the Welfare and Institutions Code is*
31 *amended to read:*

32 733. A ward of the juvenile court who meets any condition
33 described below shall not be committed to the Department of
34 Corrections and Rehabilitation, Division of Juvenile Facilities:

35 (a) The ward is under 11 years of age.

36 (b) The ward is suffering from any contagious, infectious, or
37 other disease that would probably endanger the lives or health of
38 the other inmates of any facility.

39 (c) The ward has been or is adjudged a ward of the court
40 pursuant to Section 602, and the most recent offense alleged in

1 any petition and admitted or found to be true by the court is not
2 described in subdivision (b) of Section 707, ~~unless the offense is~~
3 ~~a sex offense set forth in~~ or subdivision (c) of Section 290.008 of
4 the Penal Code. This subdivision shall be effective on and after
5 September 1, 2007.

6 *SEC. 3. Section 1752.16 is added to the Welfare and Institutions*
7 *Code, to read:*

8 *1752.16. (a) The chief of the Division of Juvenile Facilities,*
9 *with approval of the Director of Finance, may enter into contracts*
10 *with any county of this state for the Division of Juvenile Facilities*
11 *to furnish housing to a ward who was in the custody of the Division*
12 *of Juvenile Facilities on December 12, 2011, and whose*
13 *commitment was recalled based on both of the following:*

14 *(1) The ward was committed to the Division of Juvenile*
15 *Facilities for the commission of an offense described in subdivision*
16 *(c) of Section 290.008 of the Penal Code.*

17 *(2) The ward has not been adjudged a ward of the court*
18 *pursuant to Section 602 for commission of an offense described*
19 *in subdivision (b) of Section 707.*

20 *(b) It is the intent of the Legislature in enacting this act to*
21 *address the California Supreme Court's ruling in In re C.H. (2011)*
22 *53 Cal.4th 94.*

23 *SEC. 4. This act is an urgency statute necessary for the*
24 *immediate preservation of the public peace, health, or safety within*
25 *the meaning of Article IV of the Constitution and shall go into*
26 *immediate effect. The facts constituting the necessity are:*

27 *In order to protect the public by preventing the possible release*
28 *of juvenile offenders who committed serious or violent offenses or*
29 *sex offenses, it is necessary that this act take effect immediately.*

30 ~~SECTION 1. Section 15817.5 is added to the Government~~
31 ~~Code, to read:~~

32 ~~15817.5. Notwithstanding any other provision of law, the~~
33 ~~Department of General Services, in selecting a location for the~~
34 ~~lease, lease with the option to purchase, construction, or purchase~~
35 ~~of a state building in excess of 10,000 square feet, shall consider~~
36 ~~all of the following factors:~~

37 ~~(a) The location of the community or population served by the~~
38 ~~building.~~

39 ~~(b) The residential location of the workforce to be housed in~~
40 ~~the building, based upon available information provided through~~

1 the state payroll database. Priority may be given to the areas that
2 can demonstrate the highest reduction of miles traveled by its
3 workforce.

4 (e) The availability of public transit service, including regularly
5 operated bus lines, that are operational at the time a state agency
6 occupies the building.

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